IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 15113 of 2005

Between:

D.Kondaiah, s/o D.Venkappa,
Mahabubnagar, Mahabubnagar District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Mahabubnagar, Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions, more in the nature of writ of mandamus, declaring the office order dated 28-12-2002 as illegal, and arbitrary and set aside the same with all consequential benefits including arrears.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order, under which, the respondent has imposed punishment of withholding one annual increment with cumulative effect.

It is stated that the petitioner was charge sheeted on the ground that the vehicle driven by him met with an accident and called upon to submit his explanation. Accordingly, he submitted his explanation. The respondent, if not satisfied with the explanation submitted by the petitioner, instead of ordering regular departmental enquiry, passed the impugned order imposing major penalty. It is contended by the learned counsel for the petitioner that imposition of major penalty without conducting a regular departmental enquiry is illegal and without jurisdiction apart from contrary to the judgments of this Court as well as the Supreme Court.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

In view of the fact that the impugned order was passed contrary to the judgments of this Court as well as the Supreme Court, the order is liable to be set aside. However, as the impugned order was passed as early as on 28.12.2002, this Court is of the opinion that it would be appropriate to modify the punishment of withholding one annual increment with cumulative effect to that of withholding the annual increment without cumulative effect. However, it is made clear that the monetary benefits by virtue of this order would be granted to the petitioner only from the date of this order and he is not entitled for any monetary benefits prior to this order.

The writ petition is accordingly disposed of. No costs.

_____

13.07.2005

VGB

To

1. The Depot Manager, APSRTC, Mahabubnagar, Mahabubnagar District.
2. 2CD copies.